

REMARKS

Claims 1-24 were previously cancelled. Claims 25-36 are pending in this application.

Applicants respectfully take issue with the issuance of the Notice of Non-Compliant Amendment dated July 25, 2006. Contrary to the Examiner's assertion, Applicants previous submission was fully responsive. Apparently, the Examiner did not include all of the elections into the first Restriction Requirement. Applicants respectfully object to the fact that Applicants have to spend time and resources to cure the fact that the Restriction Requirement was not comprehensive. In particular, the Examiner asked for election of (A) one of the analogs of substance P and (B) one of the polypeptides which inhibit protein synthesis, which are saporin, a ribosome-inactivating protein or a toxin. If further restriction to a particular type of toxin was requested, the Restriction Requirement should have stated essentially as follows:

Furthermore, if Applicant elects toxin from the three species of polypeptides which inhibit protein synthesis (saporin, a ribosome-inactivating protein or a toxin), then further election is required to elect one of (1) diphtheria toxin A fragment or an analog thereof or (2) pseudomonas aeruginosa exotoxin A fragment or an analog thereof.

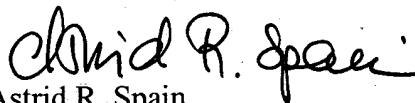
Applicants, with traverse, elect pseudomonas aeruginosa exotoxin A fragment or an analog thereof.

10/813,856

Please charge any shortage in fees due in connection with the filing of this paper,
including extension of time fees, to Deposit Account 502624 and please credit any excess fees to
such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Astrid R. Spain

Registration No. 47,956

4370 La Jolla Village Drive, Suite 700
San Diego, CA 92122

Phone: 858.535.9001 ARS:

Facsimile: 858.597.1585

Date: *August 21, 2006*

SDO 48808-1.066785.0017

**Please recognize our Customer No. 41552
as our correspondence address.**